

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 822 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE N.G.NANDI

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

GSRTC

Versus

MANIBHAI N ROHIT

Appearance:

MR HARDIK C RAWAL for Petitioner
SERVED BY RPAD - (R) for Respondent No. 1

CORAM : MR.JUSTICE N.G.NANDI

Date of decision: 22/06/2001

ORAL JUDGEMENT

1. In this Special Civil Application the petitioner Gujarat State Road Transport Corporation has challenged the order dated 30.5.1988 passed by the Labour Court, Nadiad, directing the petitioner corporation to include the name of the petitioner in the waiting list of badli worker.

2. The respondent workman was in the waiting list of badli worker working as a Conductor. He was charged to have collected fare from the passengers without issuing

tickets. The petitioner corporation served the workman with show cause notice as regards the charge of collecting fare from the passengers without issuing tickets. Admittedly no departmental inquiry was initiated subsequent to the issuance of the show cause notice and the petitioner corporation thereafter removed the name of the respondent workman from the waiting list of badli worker. The challenge by the petitioner is to the order passed by the Labour Court requiring the petitioner to include the name of the respondent workman which was on the basis of only show cause notice without initiating departmental inquiry. The same question came to be considered by the Division Bench of this High Court in the case of Gujarat State Road Transport Corporation and Another v. Chandulal G. Rasadiya reported in 1993 (2) G.L.H. 204. The Division Bench in terms held that the badli worker would be protected and on the principle of natural justice, cannot be removed from the list of the badli worker without initiating departmental inquiry and the holding of the departmental inquiry before removing the name of the person from the waiting list is a must.

4. In my opinion, the present case is squarely covered by the principle enunciated by the Division Bench in case of Gujarat State Road Transport Corporation and another v. Chandulal G. Rasadiya (Supra). In view of the above this Special Civil Application is liable to be dismissed being devoid of substance. Petition is dismissed accordingly with no order as to cost. Rule discharged.

22.6.2001. (N.G. Nandi, J.)
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